

process of using lobbyists to secure Federal funding.

Here is the most outrageous part. In 2000, MSE executives pled guilty to making illegal campaign contributions to Federal candidates. Let me explain. According to a report provided to Congress by the Department of Justice:

MSE, Inc., an engineering corporation headquartered in Butte, Montana, pled guilty on April 27, 2000, to making contributions to federal candidates through conduits and making corporate contributions to federal candidates in violation of the Federal Election Campaign Act. The corporation agreed to pay a criminal fine of \$97,500 and a civil penalty to the Federal Election Commission of an additional \$19,500. In addition, the corporation's two principal officers agreed, as part of the corporation's probation, to perform community service by lecturing business groups throughout Montana on the prohibitions of the [Federal Election Campaign Act], and to implement a corporate compliance agreement aimed at ensuring that the company did not violate the [Federal Election Campaign Act] in the future. The corporation was sentenced on April 27, 2000, in accordance with the plea agreement.

This company has a criminal record. Yet it still receives congressionally approved earmarks, apparently on the basis of connections between it, its lobbyists, and the offices of Members for whom those lobbyists used to work.

MSE and its MARIAH project are a black hole for Federal funding. MSE executives have benefited financially on the backs of the taxpayers for many years, and the Department of Defense has needlessly wasted over \$70 million on MARIAH research that no one wants. Taxpayers' dollars put toward MARIAH were met with resistance from each Federal agency compelled to fund it by previous earmarks. These earmarks have produced no discernible return.

In light of this sordid story—\$70 million wasted over 11 years and the prospect of continuing funding for a program no one wants—I ask my colleagues to support my amendment to strike the \$9.5 million MARIAH earmark from the fiscal year 2010 Defense appropriations bill.

Finally, I have spoken for many years about the earmarking process and the corruption it breeds. I am deeply concerned over the damage it has done to our country and this institution by its continued abuse. We have made some progress in the past couple years but not nearly enough. Legislation we passed in 2007 provided for greater disclosure. While that was a good step forward, the bottom line is that we simply need more disclosure of earmarks. We need to reduce them, with the final goal of eliminating them entirely. The corruption which stems from the practice of earmarking has resulted in former Members of both the House and Senate either under investigation, under indictment, or in prison. Let's be clear. It wasn't inadequate disclosure requirements which led Duke Cunningham to violate his oath of office and take \$2.5 million in bribes

in exchange for doling out \$70 to \$80 million of the taxpayers funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

Tomorrow, Senators will have an opportunity to vote on an amendment I have offered that requires earmarks intended for for-profit entities included in the Defense appropriations bill be competitively bid. I repeat: requires earmarks intended for for-profit entities included in the Defense appropriations bill be competitively bid. That does not seem like it should be too tough. Just competitively bid these earmarks.

By requiring full and open competition, Congress can make the process of public funding more transparent and bring to bear the benefits of competition. The results will be lower costs to the government, innovation among contractors and suppliers, and better outcomes for the American taxpayer.

I am not the first person to think this is a good idea. The President and the Appropriations Committee in the House of Representatives are both on record endorsing it. Unfortunately, to date, and despite our good intentions, Congress has not been able to make it happen.

President Obama has promised to fight "the special interests, contractors and entrenched lobbyists" that have bloated past appropriations and distorted military priorities. In March of this year, he called the awarding of earmarks for private companies "the single most corrupting element of this practice" and said funding for such projects should be evaluated with a higher level of scrutiny and subject to the same competitive bidding process as Federal contracts. I agree, but I would have gone further by calling for the elimination of earmarks altogether.

I was pleased to see our House counterparts expressed interest in competing earmarks intended for private industry. But the Senate Appropriations Committee balked at the suggestion that funding for special interest programs be subject to competition, and the result of recent Senate-House negotiations is that earmarks in the fiscal year 2010 appropriations bills will not have to be competitively bid.

I urge my colleagues to support my amendment. We must not allow this body to go back to the old ways of doing business.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENDING UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, I rise in support of a swift extension of the unemployment insurance benefits to help jobless people throughout this country.

Last week, we learned that the economy had shed 263,000 jobs in September and the unemployment rate increased to 9.8 percent. I grant this is a remarkable change since the first of the year when 700,000 jobs or more were being lost. Still, that is very small comfort to those people who are losing their jobs and others who are losing their benefits if we fail to act swiftly and extend unemployment benefits for additional weeks.

This is the particular case in my State of Rhode Island. We are looking at a 12.8 percent unemployment rate. There are thousands who have already exhausted their unemployment benefits, and there are another 4,500 who are estimated will lose their benefits before the end of the year. This is an extraordinary number of people who are out of work, and they are finding incredible difficulty in securing jobs.

I ask that my colleagues come together in support of an extension of the unemployment insurance benefits. The House overwhelmingly passed this legislation on a bipartisan basis. I have introduced legislation here, along with Senator LINDSEY GRAHAM of South Carolina.

This is not a partisan issue. The job losses in this country are across the Nation. They are affecting working families and people who have spent their whole lives working hard, and now they face a huge crisis—without a job—and they are facing uncertainty in the future, health care issues, tuition for college, and those things families struggle with every day.

In addition, unemployment insurance is one of those features of support that actually increases demand, accelerates the economy. The effect of unemployment insurance for each dollar is more than a dollar of economic activity generated. At this time, we are trying to jump-start the economy and move it forward and give it momentum so it doesn't falter and fall back. Unemployment insurance provides not only individual assistance, but it also assists the economy.

We are in the most severe economic downswing since the Great Depression. We have to go ahead and help people who need it and based on their work. That is one of the other values of unemployment insurance. These people are our colleagues and friends and neighbors who have worked and now they are without work. They desperately want to work. In the interim, before they are able to find a job, they need us to provide some minimal support and also to ensure that our economy continues to move forward.

I urge all my colleagues to follow the lead of the House so that, on a bipartisan basis, we can extend unemployment insurance for millions of Americans.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I thank the Chair.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2847.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Department of Commerce, and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill (H.R. 2847) which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:*

### TITLE I

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$455,704,000, to remain available until September 30, 2011, of which \$9,439,000

is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than \$49,530,000 shall be for Manufacturing and Services; not less than \$43,212,000 shall be for Market Access and Compliance; not less than \$68,290,000 shall be for the Import Administration; not less than \$257,938,000 shall be for the Trade Promotion and United States and Foreign Commercial Service; and not less than \$27,295,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210, to maintain strong U.S. remedies laws, correct the problem of overreaching by World Trade Organization Panels and Appellate Body, and prevent the creation of obligation never negotiated or expressly agreed to by the United States: Provided further, That within the amounts appropriated, \$1,500,000 shall be used for the projects, and in the amounts, specified in the table entitled "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

#### BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$100,342,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

#### ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Eco-

nomie Development Act of 1965, and for trade adjustment assistance, \$200,000,000, to remain available until expended: Provided, That of the amounts provided, no more than \$4,000,000 may be transferred to "Economic Development Administration, Salaries and Expenses" to conduct management oversight and administration of public works grants.

#### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$38,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$31,200,000: Provided, That within the amounts appropriated, \$200,000 shall be used for the projects, and in the amounts, specified in the table entitled, "Congressionally designated projects" in the report of the Committee on Appropriations of the Senate to accompany this Act.

#### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$100,600,000, to remain available until September 30, 2011.

#### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$259,024,000.

#### PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$7,065,707,000, to remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: Provided further, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$19,999,000, to remain available until September 30, 2011: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other government agencies shall remain available until expended.

#### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of